

SECTION 15: GENERAL PROVISIONS AND EXCEPTIONS

**USE:
General**

- A.** **1.** (Amended by Ord. No. 481, effective 11-29-51.)
- a. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the zone in which such building or land is located.
 - b. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, it shall be the duty of the Commission to ascertain all pertinent facts and by formal resolution set forth its findings and its interpretation, and such resolution shall be forwarded to the Board of Supervisors and, if approved by the Board of Supervisors, thereafter such interpretation shall govern.
 - c. Where property classified for "C" uses has a depth of one hundred and twenty (120) feet or less, as measured at right angles from the street frontage indicated as business frontage. Additional adjoining property fronts upon the side street, and the side of such adjoining property abuts upon the property classified for "C" purposes and provided that such additional property and the property classified for "C" purposes shall aggregate a depth of not greater than one hundred and sixty (160) feet as measured at right angles from the frontage indicated as business frontage, and provided further that with respect to such enlarged business site comprising the corner of the main street and the side street, no street entrance shall be established or used upon the forty (40) feet farthest removed from the "C" classified corner created by the intersecting street.
 - d. Where areas are shown upon the zoning map enclosed within a heavy dotted line, the area thus shown is intended to approximate the location for that type of land use indicated by the symbol therein enclosed within a circle. Other uncircumscribed symbols within such designated areas represent present classification. If preceding, or following the subdividing thereof, an Official Precise Plan of streets, lots and other features of design is adopted in the

manner prescribed by law, then such properties may be authorized for uses conforming to such Official Precise Plan by (1) the reclassification of such properties, or (2) the granting of variances, provided such variance or variances shall conform in their purpose and effect to carrying out the provisions of such Official Precise Plan. Variance applications initiated under this item shall require no filing fee.

**Parking
Space**

2. Every main building hereafter erected or structurally altered shall be provided with minimum off-street parking accommodations as follows:
 - a. For dwellings, there shall be at least one parking space on the same lot with the main building for each dwelling unit and such parking space shall be not less than eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress.
 - b. For buildings other than dwellings, there shall be at least one parking space of two hundred and fifty (250) square feet on the same lot with the main building or contiguous thereto as follows:
 - (1) For churches, high school, college and university auditoriums and other places of assembly, at least one (1) parking space for every ten (10) seats provided in said buildings.
 - (2) For hospitals and institutions at least one (1) parking space for every two (2) beds provided in said buildings.
 - (3) For hotels and clubs, at least one (1) parking space for every three (3) guest rooms provided in said buildings.
 - (4) For theatres, auditoriums and other similar places of assembly, at least one (1) parking space for every five (5) seats provided in said building.
 - c. If garages are employed on the same building site, the car capacity thereof shall not exceed twice the number of required parking spaces.

d. In the "P-O" Zone, off-street parking, in addition to that required hereinabove, shall be provided as follows:
(Added by Ord. No 650, effective 3-27-58.)

(1) For apothecaries, clinics, laboratories, mortuaries, offices, and optician and optometric establishments, off-street parking shall be provided as follows:

(a) If the gross floor area occupied in the same structure by one or more of the above uses is seven thousand five hundred (7,500) square feet or less, an off-street parking area shall be provided which is equal to one-half ($1/2$) of the gross floor area occupied by the use or uses in the structure.

(b) If the gross floor area occupied in the same structure by one or more of the above uses is between seven thousand five hundred and one (7,501) square feet and eleven thousand (11,000) square feet, inclusive, an off-street parking area shall be provided which is equal to three-fourths ($3/4$) of the gross floor area occupied by the use or uses in the structure;

(c) If the gross floor area occupied in the same structure by one or more of the above uses is more than eleven thousand (11,000) square feet, an off-street parking area shall be provided which is equal to the gross floor area occupied by the use or uses in the structure.

(2) An off-street parking area shall be provided for a museum which is equal to one-half ($1/2$) the gross floor area occupied by the museum in a structure or structures.

(3) For police stations, fire stations, post offices and telephone exchanges, there shall be one (1) parking space of two hundred and fifty (250) square feet for each three (3) employees regularly present at work at the same time, but in no event shall the off-street parking area be less than one-fourth ($1/4$) of the

gross floor area occupied by the use in a structure or structures.

- e. Except for those uses already covered by Subparagraphs (a) through (c) above, in the "O" Zone, off-street parking for the allowable uses specified in Section 8.05, "O" Recreation Zone, shall be provided as follows: (Added by Ord. No. 731, effective 10-13-60.)
 - (1) If the gross floor area occupied in the same structure by one or more of the above uses is seven thousand five hundred (7,500) square feet or less, an off-street parking area shall be provided which is equal to one-half (1/2) of the gross floor area occupied by the use or uses in the structure;
 - (2) If the gross floor area occupied in the same structure by one or more of the above uses is between seven thousand five hundred and one (7,501) square feet and eleven thousand (11,000) square feet, inclusive, an off-street parking area shall be provided which is equal to three-fourths (3/4) of the gross floor area occupied by the use or uses in the structure;
 - (3) If the gross floor area occupied in the same structure by one or more of the above uses is more than eleven thousand (11,000) square feet, an off-street parking area shall be provided which is equal to the gross floor area occupied by the use or uses in the structure;
 - (4) For police stations, telephone exchanges, electric distribution substations, fire stations and post offices, there shall be one (1) parking space of two hundred and fifty (250) square feet for each three (3) employees regularly present at work at the same time, but in no event shall the off-street parking area be less than one-fourth (1/4) of the gross floor area occupied by the use in a structure or structures.

**Loading
Space**

- 3. Every hospital, institution, hotel, commercial, industrial or other building hereafter erected or structurally altered which involves the receipt or delivery by vehicles of merchandise or materials shall have one (1) loading space for each two thousand (2,000) square feet of lot area upon which said building is located;

provided, however, that not more than two (2) such spaces shall be required, unless the building on such lot has a gross floor area of forty thousand (40,000) square feet, in which case there shall be one additional loading space for each additional twenty thousand (20,000) square feet in excess of forty thousand (40,000) square feet or fraction thereof above five thousand (5,000) square feet, where such loading space adjoins an alley.

**Non-
Conforming
Buildings
and Uses**

4.
 - a. If, on the effective date of this Ordinance, a temporary one family dwelling shall exist on the rear half of a lot, a one family dwelling may be erected and maintained on the front portion of the same lot in the manner provided herein, whereupon the said dwelling on the rear half of the lot shall assume the status of a nonconforming use as defined herein, subject to Paragraph c under "Nonconforming Buildings and Uses" of this Section.
 - b. A nonconforming building may be continued provided no additions or enlargements are made thereto and no structural alterations are made therein, except those required by law or ordinance. If such nonconforming building is removed, every future use of such premises shall be in conformity with the provisions of this Ordinance. However, in the C-3, M-1 and M-2 Zones, every nonconforming building which was designed or intended for a use permitted in the R-3 Zone shall be subject to the following additional provisions:
 - (1) Additions, enlargements and structural alterations to such nonconforming buildings may be permitted provided that any addition, enlargement or alteration shall not result in the addition of any new dwelling units.
 - (2) If such nonconforming building is removed or destroyed, it may be replaced with a new nonconforming building of similar use and intensity if a Use Permit is secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2714, effective 7-17-86.)
 - c. The nonconforming use of a building existing at the time this Ordinance became effective may be continue provided:

- (1) That a nonconforming use of a nonconforming building be expanded or extended throughout such building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a nonconforming building may be changed to another use of the same or more restricted classification.
- (2) That a nonconforming use of a conforming building shall not be expanded or extended into any other portion of the conforming building, and if such nonconforming use is discontinued, any future use of such building shall be in conformity with the provisions of this Ordinance; provided, however, that all nonconforming uses of a conforming building shall be discontinued not later than three (3) years from the effective date of this Ordinance.
- (3) That in all "R" Zones every nonconforming building which was designed, or intended for a use excluded from the "R" Zone shall be completely removed, or altered and converted within a time prescribed by the County Planning Commission and approved by the Board of Supervisors in the manner provided for the consideration of variances and provided that such time shall in no case be less than ten (10) years following the approval of such date by the Board of Supervisors and, provided further, that it shall be the purpose of the County Planning Commission and the Board of Supervisors to determine as near as may be the reasonable unamortized value of such nonconforming building and allowance of not more than two and one-half (2-1/2) percentum per annum of the original cost shall be made in determining the date by which said nonconforming building shall be removed or altered and converted to a conforming status.
- (4) That, subject to all other regulations of this Section, a building destroyed to the extent of not more than seventy-five (75) percent of its reasonable value by fire, explosion or other casualty, or ACT OF GOD, or the public enemy, may be restored and the

occupancy or use of such building or part thereof which existed at the time of such partial destruction, may be continued.

- (5) (Added by Ord. No. 1557, effective 4-12-73; repealed by Ord. No. 3219, effective 3-11-99.)

c.1 The nonconforming use of land where no structure thereon is employed therefore existing at the time this Ordinance became effective may be continued for a period of not more than three (3) years therefrom, provided:

- (1) That no nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- (2) That if the nonconforming use of land existing at the time this Ordinance became effective is thereafter discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
- (3) That the lawful location and maintenance of commercial signs and billboards existing at the time this Ordinance became effective may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided further, that all such nonconforming signs and billboards and their supporting members shall be completely removed by their owners not later than five (5) years from the effective date of this Ordinance. (Amended by Ord. No. 1195, effective 2-2-68.)

d. The foregoing provisions shall apply also to buildings, land and uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance.

e. (Amended by Ord. No. 762, effective 4-27-61; repealed by Ord. No. 2453, effective 12-24-81.)

**ADDITIONAL
NON-
CONFORMING
USE RULES IN
ORDINANCE
NO. 3131**

Section 1 of Ordinance No. 3131 states the following:

"The Board of Supervisors of the County of Tulare hereby finds and declares that the amendment to Ordinance No. 352 set forth in Sections 3 - 35 of this Ordinance shall not be applicable to existing facilities or expansions of existing facilities which were lawfully established prior to the effective date of this Ordinance. Nothing in this section shall be interpreted to exempt any expansion of existing facilities from the other provisions of Ordinance No. 352, as amended." (Adopted by Ord. No. 3131, effective 10-12-95.) [NOTE: Section 1 above contains a typographical error - in line three, the text should read that "Sections 3 - 29" (and not 3 - 35) "of this Ordinance shall not be applicable"...]

The aforementioned Section No. 1 refers to prior provisions of Ord. No. 3131 which (1) require RVLP parcel evaluation review of special use permits for certain nonagricultural uses (to include campgrounds, church facilities, guest ranches or summer camps, hunting and fishing on a commercial basis and hunting and fishing clubs, public parks or playgrounds, recreation centers, recreation vehicle parks, public school facilities, private school facilities, and saw mills/shingle mills/ box shoo mills) in the exclusive Agricultural zones, as set forth in Subsection F of Part II of Section 16; (2) restrict the processing of extractive materials (brick and tile manufacturing and petroleum products manufacturing and storage) in Exclusive Agricultural zones to locations that are near the source of the raw materials; (3) limit the establishment of new animal hospitals, clinics, and veterinarian offices in the AE-10, AE-20, AE-40, and AE-80 zones to those facilities that are primarily for the treatment of 'large/farm' animals; and (4) prohibit certain "assemblage of people for educational or entertainment purpose..."uses (to include auto shows, boat shows, art shows, exhibitions, and auctions) in the Exclusive Agricultural zones.

**Improve-
ments**

5. a. Used car sales areas:

All used car sales areas herein permitted shall be treated to keep dust and mud to a minimum. (Added by Ord. No. 2453, effective 12-24-81.)

b. Off-street parking areas:

All off-street parking areas herein permitted shall be improved as follows: (Added by Ord. No. 2453, effective 12-24-81.)

- (1) Such parking area shall be paved and a solid fence or wall, six (6) feet high, shall be constructed along each boundary of such area abutting upon property classified in the R-A, R-O, R-1, R-2 or R-3 Zones; provided, however, that said wall or fence shall be

four (4) feet high along the side of the required front yard in said zones.

- (2) Any lights provided to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises.

c. Mobilehomes and Manufactured Homes:

All mobilehomes and manufactured homes herein permitted which are placed or relocated upon a lot or parcel after December 24, 1981, shall have the perimeter of the space between the ground and undercarriage of the structure enclosed by construction materials approved pursuant to the Uniform Building Code as adopted by the Tulare County Ordinance Code. Such requirement shall also be applicable to a mobilehome or manufactured home which is to be placed on a foundation system pursuant to Section 18551 of the Health and Safety Code of the State of California. (Added by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2873, effective 4-20-89.)

d. Recreational Facilities:

Recreational facilities, including but not limited to recreational centers, recreational areas, accessory facilities or improvements, may be required in conjunction with new residential development if the decision-making body finds that the residential development will result in overall residential densities (average lot area per family), which exceed the maximum density permitted in the applicable residential zoning district. The land area required for any recreational facilities required under this subparagraph shall not exceed ten (10) percent of the gross acre-age of the proposed residential development. For purposes of this paragraph, "residential development" also means a mobilehome development or a mobilehome park. (Added by Ord. No. 2480, effective 7-1-82.)

e. Flammable Liquids (added by Ord. No. 3219, effective 3-11-99):

Above-ground storage of propane and/or gasoline in volumes not to exceed an aggregate of 10,000 gallons on parcels zoned AE-10, AE-20, AE-40, AE-80, AF and RC, providing all of the following are met:

- (1) When 4 or fewer residences exist within a 1/4 mile radius of the nearest edge of the tank location, above-ground storage of propane and/or gasoline shall be separated from any on- or off-site residence by at least 200 feet.
- (2) When 5 to 10 (inclusive) residences exist within a 1/4 mile radius of the nearest edge of the tank location, above-ground storage of propane and/or gasoline shall be separated from any on- or off-site residence by at least 500 feet.
- (3) Above-ground storage of propane and/or gasoline shall be set back from the nearest property line and/or edge of ultimate public road right-of-way by at least 100 feet. Where there is a difference between setback requirements of this and any other provision of this ordinance or other local, State or Federal regulation(s), the greater setback shall apply.
- (4) Above-ground storage of propane and/or gasoline shall be separated from any sensitive land use by at least 500 feet. Sensitive land uses shall include, but shall not be limited to: hospitals; nursing homes; public or private schools or daycare facilities; bulk oil/fuel processing and/or storage plant; agricultural chemical storage area; or similar hazardous use. Where there is a question as to whether a use is "sensitive" or not, the decision shall be made by the Director of the Resource Management Agency, or his/her designee.
- (5) Any new above-ground storage of propane and/or gasoline shall be separated from all existing, off-site above-ground flammable liquid storage tank(s) by at least 200 feet.
- (6) Above-ground storage of propane and/or gasoline shall only be allowed as incidental to a bona fide use of the site for intensive and/or extensive agricultural uses and for those uses which are a necessary and integral part of intensive and/or extensive agricultural operations (i.e., animal or poultry confinement operations, dehydrators,

agricultural services to farmers, packing sheds, cold storage facilities, and similar uses). Where there is a question as to whether a use is “a bona fide use of the site for intensive and/or extensive agricultural uses” or not, the decision shall be made by the Director of the Resource Management Agency, or his/her designee. When said tank(s) is/are no longer used for a bona fide use pursuant to this section, said tank(s) shall be removed within 60 days of termination of use.

- (7) Prior to installation and prior to final approval of construction permits, all fire suppression improvements (i.e., water storage tanks, hydrants, chemical suppressants, and other such fire suppression improvements) shall be reviewed and approved by the Tulare County Fire Warden. Any improvements required as a condition of that review shall be installed and operable in compliance with the approved plans prior to final inspection of the above-ground propane and/or gasoline fuel storage tanks.
- (8) Above-ground propane and/or gasoline storage tanks for personal agricultural use shall incorporate all of the same flood prevention measures normally required for structures as determined appropriate by the Tulare County Resource Management Agency Flood Control Division under the Flood Damage Prevention Ordinance, pursuant to the California Bureau of Reclamation Designated Floodway maps and/or the Federal Emergency Management Agency Flood Insurance Rate Maps, and/or as required under Uniform Building and/or Fire Codes. If there is a conflict between the requirements of these regulations the most restrictive shall apply. Where there is a conflict between development standards and setbacks required by Codes and Agencies, the most restrictive shall apply.
- (9) Above-ground storage of propane and/or gasoline shall meet all specifications of the Tulare County Fire Warden’s office and the Uniform Fire Code (currently adopted edition) for the installation, placement and protection of above-ground

flammable liquid storage. Where there is a conflict between this ordinance and the Fire Warden's specifications or Uniform Fire Code, the most restrictive standard shall apply.

- (10) Above-ground storage of propane and/or gasoline shall also meet all specifications of any other local, State or Federal agency (i.e., San Joaquin Valley Unified Air Pollution Control District) for the installation, placement and protection of above-ground flammable liquid storage and protection of the public in general. Where there is a conflict between this ordinance and any of the various agency specifications, the most restrictive standard shall apply.

**Accessory
Buildings
and
Structures**

6. (Added by Ord. No. 2538, effective 6-6-83.)
 - a. In all zoning districts, private noncommercial radio and television antennas and towers are permitted as accessory structures, unless a Special Use Permit is required under Section 16 of this Ordinance.
 - b. In all zoning districts, satellite television antennas are permitted as accessory structures whether or not on the same site as a main building. In accordance with the height and yard area regulations set forth in the applicable zone and this section, unless a Special Use Permit is required under this Section and Section 16 of this Ordinance.

**Second
Units**

- c. Section 2, subparagraph c of paragraph 6 of subsection A of Section 16 of Ordinance No. 352, as amended, is hereby amended to read as follows:

Second units which are not otherwise allowed by this Ordinance, may be permitted in all residential zones (R-A, R-O, R-1, R-2 and R-3 and MR) only if an administrative use permit is first secured pursuant to the procedures referred to in Subsection G of Part II of Section 16 of this Ordinance. Such second units may exceed the allowable density for the lot on which located and shall constitute a residential use compatible with general plan and zoning for the lot. Such second units shall comply with the following regulations: (Paragraph c added by Ord. No. 2562, effective 9-22-83, amended by Ord. No. 2956, effective 4-

11-91; amended by Ord. No. 3297, effective 5-20-04)

- (1) The second unit shall be clearly subordinate to a one family dwelling. If attached to or part of a one family dwelling, the second unit shall not be more than thirty (30) percent of the total floor area of the one family dwelling, provided that it shall have at least three hundred (300) square feet of floor area. If detached from the one family dwelling, the second unit shall have at least three hundred (200) square feet of floor area but no more than one thousand two hundred (1,200) square feet of floor area.
- (2) The lot or parcel shall contain an area of five thousand (5,000) square feet or more.
- (3) No more than one (1) second unit may be located on the same lot or parcel as the one family dwelling.
- (4) The second unit shall not be sold as a separate unit.
- (5) Off-street parking spaces shall be provided for each dwelling unit in accordance with subparagraph a of paragraph 2 of this subsection
- (6) The second unit shall be designed or arranged on the lot so that, to the degree reasonably feasible, the appearance of the building or lot from the street remains that of a one family dwelling. Any new entrances shall be located so that there is only one external entrance to the main building facing the same street.
- (7) If an increase in floor area is involved for an attached second unit, it shall not exceed thirty (30) percent of the floor area of the original building.
- (8) Any exterior alterations to the original one family dwelling shall be kept to a minimum. No exterior change shall be permitted which in the judgment of the decision-making body does not conform to the residential character of the neighborhood.
- (9) The second unit shall comply with all the

applicable height, yard and coverage regulations for the zone in which located and the applicable provisions of this section.

- (10) The design and construction of the second unit shall conform to all applicable standards in the building, plumbing and electrical codes as adopted pursuant to Chapter 4 of Part VII of the Ordinance Code of Tulare County.
- (11) The second unit shall be constructed and maintained in accordance with all State and County health regulations.
- (12) If the second unit is to be served by a sanitary sewer system or domestic water system, the governing board controlling the sewer and/or water system shall submit a letter to the decision-making body indicating the ability of the system to provide service to the second unit.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. The site plan review required for additional residences in paragraph 2 of subsection B of Section 18.7 shall not be required for second units in the planned foothill development zone which meet the requirements of this paragraph.

HOME OCCUPA- TIONS

Permitted Home Occupations

7. (Added by Ord. No. 2523, effective 3-31-83.)

- a. In all residential and agricultural zones home occupations in compliance with the following regulations are permitted as accessory uses and no special use permit shall be required in order to establish and maintain such uses:
 - (1) A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
 - (2) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling.
 - (3) There shall be no display of products visible in any

manner from the outside of the dwelling.

- (4) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
- (5) No advertising display signs shall be permitted.
- (6) No one other than residents of the dwelling shall be employed in the conduct of a home occupation.
- (7) The use shall not generate additional pedestrian or vehicular traffic.
- (8) The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
- (9) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (10) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one (1) vehicle not to exceed three-quarters (3/4) ton owned by the resident of dwelling, which shall be parked in an adequate off-street parking area.
- (11) No motor power other than electrical operated motor shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than one (1) H.P.
- (12) No equipment or process shall be used which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.
- (13) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.

**Urban
Home
Occupations**

- (14) No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

- b. Urban Home Occupations which do not comply with the regulations set forth in Subparagraph a of this paragraph may be permitted in all residential zones (R-A, R-O, R-1, R-2 and R-3) only if a use permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. Such Urban Home Occupations shall comply with the following regulations:

- (1) An urban home occupation shall be conducted within a dwelling and/or accessory building and shall be clearly incidental to the use of the structure as a dwelling.
- (2) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling or accessory building.
- (3) Unless otherwise determined by the decision-making body, there shall be no sales of products or services not produced on the premises.
- (4) There shall be no display of products visible in any manner from the outside of the dwelling.
- (5) There shall be no visible evidence of the conduct of an urban home occupation other than one (1) non-illuminated name plate not to exceed two (2) square feet in area mounted flat against the dwelling.
- (6) No one other than residents of the dwelling shall be employed in the conduct of an urban home occupation.
- (7) The use shall not generate additional or pedestrian vehicular traffic beyond that normal to the district in which it is located.
- (8) The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the urban home occupation.

- (9) No urban home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (10) The home occupation shall not involve the use of commercial vehicles with six (6) wheels or more for delivery of materials to or from the premises.
- (11) No home occupation shall be conducted between the hours of 10:00 p.m. and 8:00 a.m.
- (12) No motor power other than electrical operated motors shall be used in connection with an urban home occupation.
- (13) No equipment or process shall be used in an urban home occupation which creates excessive noise, vibration, glare, fumes or odor detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.
- (14) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the urban home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

**Rural
Home
Occupations**

- c. Rural Home Occupations which do not comply with the regulations set forth in Subparagraph a of this paragraph may be permitted in all agricultural zones (AE, AE-10, AE-20, AE-40, AE-80, A-1, AF and RC) and any R-A, Rural Residential Zone and MR, Mountain Residential Zone which is restricted to a minimum lot size of forty-

three thousand (43,000) square feet or more pursuant to Section 14.5 of this Ordinance, only if a use permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance. Rural Home Occupations shall comply with the following regulations: (Amended by Ord. No. 2956, effective 4-11-91.)

- (1) A rural home occupation shall be clearly incidental and secondary to the use of the site for dwelling and agricultural purposes and shall not change the residential and agricultural character thereof.
- (2) A rural home occupation may be conducted within a dwelling and/or within an accessory building provided that all structures used shall be harmonious in appearance with the agricultural area.
- (3) Unless otherwise determined by the decision-making body, there shall be no sales of products or services not produced on the premises.
- (4) There shall be no external alterations of the appearance of the property, the dwelling or accessory building in which the rural home occupation is conducted which would reflect the existence of said home occupation, except that one (1) outdoor advertising display sign, limited to twenty (20) square feet of sign area shall be permitted.
- (5) A rural home occupation shall be limited in employment to residents of the property and not more than one (1) additional person.
- (6) No additional points of access to any street, road or highway shall be permitted, unless necessary to provide safe and proper access to the proposed use.
- (7) The use has not been found likely to become a nuisance by reason of odor, dust, smoke gas, vibrations, or may impose a hazard to health or property.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the

modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the rural home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

**Temporary
Buildings
and Uses**

8. No temporary building or use shall be permitted unless expressly permitted by the zone in which located, or unless a use permit or variance is approved for the temporary building or use in accordance with Section 16 of this Ordinance. (Added by Ord. No. 2692, effective 2-27-86.)

**Land
Application
of Sewer
Sludge**

9. Land application of sewer sludge as defined in Federal Rule 40 CFR 503.11(h) shall not be allowed in any zone unless expressly permitted or where the land application of sewer sludge complies with any one of the following:
 - a. The land application of sewer sludge commenced before January 11, 1973, and has occurred continuously or on a rotational basis within a parcel or contiguous parcels, resulting in an average application to the land of at least once every three (3) years without a lapse of more than ten (10) years.
 - b. The land application of sewer sludge was authorized by a Special Use Permit approved prior to May 31, 1994, in which case that portion of Section 18 entitled "EXPIRATION OF APPROVAL," adopted pursuant to Ordinance No. 2591, shall not apply.
 - c. The land application of sewer sludge commencing after January 11, 1973, but before May 31, 1994, and has occurred continuously or on a rotational basis within a parcel or contiguous parcels, resulting in an average application to the land of at least once every three (3) years without a lapse of more than ten (10) years, provided that no such land spreading shall be undertaken until a Special Use Permit has been approved pursuant to Section 16 of this Ordinance.

Proof of compliance with any of the foregoing Subparagraphs shall be presented to, and written confirmation of compliance received from, the Planning and Development Director prior to any land

application of sewer sludge after the effective date of this paragraph. In addition, proof of compliance with Federal Rule 40 CFR 503 and applicable provisions of Title 23 of the California Code of Regulations pertaining to land application of sewer sludge shall be presented to, and written confirmation of compliance received from, the Planning and Development Director prior to any further land application of sewer sludge on parcels covered by one of the foregoing subparagraphs. Decisions by the Planning and Development Director may be appealed to the Board of Supervisors in accordance with Section 165 of the Ordinance Code of Tulare County upon payment of the fees required for appeals of decisions on Special Use Permits. (Added by Ord. No. 3165, effective 7-25-96.)

**Regulations
for
Contractor's
Storage Yards
in RA Zones**

10. Contractor's storage yards permitted in the Rural Residential (RA) Zone shall comply with the following regulations:
(Added by Ord. No. 3356, effective 2-8-08.)
 - (a) Only minor repairs related to the maintenance of vehicles are to be completed on site. No commercial repair work or servicing of vehicles of any kind shall be conducted in the parking area, except in the case of emergency. Only minor repairs of a routine maintenance nature of vehicles, equipment, and trucks and trailers associated with the proposed operation shall be allowed.
 - (b) The use shall not become a nuisance by reason of odor, visual aesthetic, dust, smoke, noise, vibrations, or may impose a health hazard to health or property.
 - (c) No equipment or process shall be used which creates excessive noise, vibration, glare, fumes, or odor detrimental to the use health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.
 - (d) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.
 - (e) Lot or parcel size minimum of 43,000 square feet.
 - (f) Fuel tanks shall be allowed following the regulation set forth in Section 15.A.5.e. provided that the tank capacity not exceed 500 gallons and that the tank is located not less

than 500 feet from the nearest residence.

- (1) All parking and internal circulation shall be designed so that the vehicles enter or exit the site by moving forward. No parked vehicles shall extend into the public right-of-way or impede traffic flow.

Modifications from the above regulations may be approved by the decision making body in individual cases if modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that storage facilities will not under the circumstances of the particular case, be detrimental to the health and safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

HEIGHT:

General Exceptions

- B.** 1. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered to exceed the height limit herein established for the zone in which building is located.
2.
 - a. One family dwelling in the thirty-five (35) foot height zones may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.
 - b. In the thirty-five (35) foot height zones, public or semi-public buildings, schools, hospitals or institutions may be erected to a height not exceeding six (6) stories or seventy-five (75) feet when the required front, side and rear yards are increased an additional one (1) foot for each four (4) feet in height such buildings exceed thirty-five (35) feet.
 - c. On through lots one hundred and fifty (150) feet or less in depth, the height of a building may be measured from the adjoining sidewalk level on either street. On through lots more than one hundred and fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred and fifty (150) feet from that street.

- d. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, required to operate and maintain the building, and fire or parapet walls, skylights, towers, roof signs; flagpoles, chimneys, smokestacks, wireless masts or similar structures may be erected above the height limits herein prescribed but no penthouses or roof structure, or any space above the height limits prescribed, shall be allowed for the purpose of providing additional floor space.
- e. Notwithstanding the provisions of Subparagraph d, in the R-A, R-O, R-1 and R-2 Zones, satellite television antennas mounted on buildings shall not exceed the height limit established for the zone in which the structure is located. In all other zones, such satellite television antennas may not extend more than ten (10) feet above the height limit established for the zone in which the structure is located. Exceptions to these height requirements may be approved in conjunction with the approval of a special use permit under Section 16 of this Ordinance. (Paragraph e added by Ord. No. 2538, effective 6-6-83.)

AREA:

General

- C. 1. a. Except as hereinafter provided:
 - (1) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
 - (2) No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; provided, further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
 - (3) Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) main building and its accessory buildings on one (1) lot except in commercial or industrial zones upon compliance with Tulare

County Ordinance Code sections 7-01-1450(b) and 7-01-1455(b) or except as hereinafter provided (amended by Ord. No. 3291, effective 1-8-04).

- (4) Through lots one hundred and forty (140) feet or more in depth may be improved as two (2) separate lots with the dividing line midway between the street frontages, and each such resulting half shall be subject to the controls applying to the street upon which each such half faces, except that the required maximum front and rear yards may be each reduced to ten (10) feet for lots the total depth of which is less than one-hundred and sixty (160) feet, and provided that if the whole of such through lot is improved as one building site no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.
- (5) Every lot and every parcel of land at the time it was first zoned shall be deemed to be one (1) lot, and not more than one (1) main building shall be permitted on said parcel or lot unless all regulations herein established are complied with, provided that if a parcel or lot in any "R" Zone contains an area of fourteen thousand (14,000) square feet or more, but not more than two (2) acres, then for each seven thousand (7,000) square feet of area contained in such lot or parcel one (1) main building, or permitted group of buildings, may be erected and maintained subject to all of the provisions contained in the particular "R" Zone in which such property is located, provided further that the distance between separate buildings used for dwelling purposes erected and maintained on such premises shall be not less than twice the depth of the side yard requirements in the particular "R" Zone in which such property is located and provided further that the distance shall never be less than eight (8) feet. If a parcel or lot at the time it is first zoned contains an area of ten thousand (10,000) square feet or more but less than fourteen thousand (14,000) square feet, each full five thousand (5,000) square feet may be used as a separate lot subject to all other provisions pertaining to "R-1" Zone. (Amended by Ord. No.

481, effective 11-29-51.)

- (6) Every required front, side or rear yard shall be open and unobstructed from the ground to the sky.
 - (7) The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification or required front, side and rear yard depth in all residential zones where geometric shape and dimensions and topography are such as to make the literal application of such required yard depths impractical. After the adoption of such formula or standard practices and the approval thereof by the Board of Supervisors, they shall be applied as an administrative act. (Added by Ord. No. 481, effective 11-29-51.)
- b. Where two-family dwellings or multiple-family dwellings not exceeding two and one-half (2-1/2) stories in height are arranged so as to rear upon the side yards, the following regulations shall apply:
- (1) In the case of group houses or court apartments, such required side yards shall be increased by one (1) foot for each entrance or exit opening into or served by such side yard, as required in this provision. Open, unenclosed porches not extending above the level of the first floor may project into the required width of such place or court a distance of not more than twenty (20) percent and in no case more than six (6) feet.
 - (2) In the case of a row of dwellings arranged so as to rear upon one side yard and front upon the other, the side yard upon which such dwellings rear shall be increased as required above the group houses and the average width of the side yard upon which such dwellings front shall be not less than one and one-half (1-1/2) times the width of the other side yard. Open, unenclosed porches not extending above the level of the first floor may project into the side yard upon which such dwellings front a distance of not more than twenty (20) percent and in no case more six (6) feet.

(3) Where a roadway is provided in the place or court, the width allowed for such roadway shall be in addition to that required above.

(4) All other requirements, including front, side and rear yards shall be complied with the accordance with the

zone in which such group houses or court apartments are located.

c. In the "R" Zones no building shall be hereafter erected, structurally altered or used for a school, church, hospital, institution or other similar use permitted under the use regulations of this Ordinance, unless such buildings are removed at least twenty-five (25) feet from every boundary line of a property included in any "R" Zone, and provided that no front yard, as required in the zone, nor any side yard, as required above, shall be used for play or parking purposes.

Exceptions

2. a. For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building, occupying one (1) lot; two-, three- and four-family dwellings and row houses not more than two (2) rooms deep.

b. In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half (1/2) of such alley may be assumed to be a portion of the rear yard.

c. Loading spaces as herein required may occupy not more than fifty (50) percent of a required rear yard.

d. The front and side yard requirements for dwellings and apartments shall be waived where the latter are erected above stores.

e. Accessory buildings may occupy not more than twenty-five (25) percent of a required rear yard, provided such building is not more than one (1) story in height and located at least fifteen (15) feet from the nearest part of a main building. Further, no two (2) story accessory building shall occupy any part of a required rear yard, and in the case of a reversed frontage, no accessory building shall be erected closer than five (5) feet to the line of

abutting lot to the rear.

- f. In any case where a through lot has a depth of not more than one hundred and forty (140) feet, accessory buildings not exceeding one (1) story nor fifteen (15) feet in height, may be located in one of the required front yards; provided every portion of such building is at least ten (10) feet from the nearest front lot line.
- g. A porte cochere may be placed over a driveway in a side yard, provided such structure is not more than one (1) story in height, is unenclosed on at least three (3) sides and is entirely open except for the necessary supporting columns and reasonable architectural features.
- h. Cornices, eaves, belt courses, sills, buttresses, or similar architectural features not providing additional floor space within the building, and chimneys and fireplaces not exceeding eight (8) feet in width, may extend or project into a required side yard or space between structures not more than two (2) feet and may extend or project into a required front or rear yard not more than six (6) feet, provided that such features are not closer than three (3) feet to any side or rear lot line. No building, structure, or portion thereof may extend into a public utility easement. (Amended by Ord. No. 2516, effective 1-27-83.)
- i. (Unused)
- j. Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.
- k. Open, unenclosed stairways, or balconies not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies and canopies may extend into a required front yard not more than thirty (30) inches.
- l. Uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side or rear yard not more than six (6) feet; provided, however, that an open work railing, not more than thirty (30) inches in height may be installed or constructed on any such porch, platform or landing place.

- m. Fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, not more than three and one-half (3-1/2) feet in height, may be located in any front, side or rear yard. (Amended by Ord. No. 635, effective 10-24-57.)
- n. A fence or wall not more than six (6) feet in height, or a hedge maintained so as not to exceed six (6) feet in height may be located along the side or rear lot lines, provided such fence, wall or hedge does not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited, and provided further, that the provision shall not be so interpreted as to prohibit the erection of a fence enclosing an elementary or high school site if such fence does not project beyond the front line of the building.
- o. Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard.
- p. Ground-mounted satellite television antennas shall be permitted in any required rear yard provided such structures are located at least five (5) feet from the nearest part of the main building on the same lot and at least five (5) feet from any rear or side property line. However, in the case of a reversed frontage on a corner lot, no ground-mounted satellite television antenna shall be located closer to the street than a distance equal to fifty (50) percent of the front yard required on the lots in the rear of such corner lot. (Added by Ord. No. 253 effective 6-16-83.)

AGRICUL- TURAL ZONES

Determination D. of Acreage

- 1. Various provisions of the agricultural zones established in this Ordinance refer to acreages of 160, 80, 40, 20, 10, 5, 2-1/12, and 1 acres. Except as otherwise expressly provided in this Ordinance, the provisions of this subsection shall be applied when making determinations of the number of acres in a particular parcel of property. (Subsection D.1 relocated from Section 2.5 by Ord. No. 2751, effective 2-1-87.)
 - a. When computing the acreage of a parcel of property, any

portion of the parcel which is subject to an easement or right-of-way for road, ditch, public utility or railroad purposes shall not be excluded from the parcel.

- b. Because of discrepancies arising from the original land surveys made in the State, many sections and portions of sections contain less than the standard acreage. Since landowners tend to divide sections of land for sale in sequences of halves and/or quarters, many parcels of property have less than the standard number of acres for such a portion of a section. When the following acreage figures are used, they are intended to refer to the following portion of a section:

160 acres refers to $\frac{1}{4}$ of a section.

80 acres refers to $\frac{1}{2}$ of $\frac{1}{4}$ of a section.

40 acres refers to $\frac{1}{4}$ of $\frac{1}{4}$ of a section.

20 acres refers to $\frac{1}{2}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of a section.

10 acres refers to $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of a section.

5 acres refers to $\frac{1}{2}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of a section.

$2\frac{1}{2}$ acres refers to $\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of a section.

In computing the number of acres in a parcel, if it is the result of a regular breakdown of land of a type described above, it shall be deemed to have the full acreage set forth above even though it may contain fewer acres because of a discrepancy of some type in surveying. The provisions of this paragraph do not apply to an acreage requirement of one acre, and the term "one acre" as used in this Ordinance shall mean a full acre, subject, however, to the other paragraphs of this subsection. Nothing in this paragraph shall be deemed to require acreage in excess of the number of acres specified in this Ordinance even though the regular breakdown of land described above results in parcels which are larger than 160, 80, 40, 20, 10, 5, or $2\frac{1}{2}$ acres.

- c. The provisions of this paragraph are applicable only in the

case of sale of a portion of a parcel of property under a single ownership to the United States or any agency of the United States, to the State or any political subdivision of the State having the power to condemn the property, and in the case of sale of property to a corporation or other entity having the power to condemn the property, such as a public utility or a railroad, or a condemnation by any of the aforementioned entities.

When a portion of a parcel of property has been sold to a governmental or private entity of the type described above which had the power to condemn the property, or if such property was actually condemned, the property owner who sold such property or had it taken through condemnation shall be deemed to still own the property which was sold or condemned for the purpose of computing the acreage in his remaining contiguous property and for the purpose of dividing such remaining contiguous property into smaller parcels. However, if the amount sold or condemned exceeds ten percent (10%) of the acreage in the remaining parcel, any such amount in excess of ten percent (10%) shall not be deemed to still be owned. The aforementioned ten percent (10%) credit or allowance shall also be applicable to any subsequent person who acquired all of such remaining property from the person who sold said parcel or had it taken through condemnation. Any person who has acquired only a portion of such remaining property, after such a sale or condemnation, shall only have the benefit of such a credit or allowance if his property is contiguous to the property which was taken through condemnation or sold in lieu of condemnation and then only to the maximum extent of ten percent (10%) of the acreage in his property.

The provisions of this paragraph do not apply to an acreage requirement of one acre, and the term "one acre" as used in this Ordinance shall mean a full acre, subject, however, to the other paragraphs of this subsection.

**Division of
Land
Exceptions**

2. All agricultural zones established in this Ordinance (AE, AE-10, AE-20, AE-40, AE-80, A-1, AF and RC) provide that no real property shown on the latest County tax role as a unit or as contiguous units, and which is owned by the same person or persons, may be divided for any purpose if any one (1) lot or parcel resulting from the division of land contains less than a certain minimum acreage requirement, the amount of which is

specified in each agricultural zone. Unless otherwise provided in this Ordinance, the following transactions shall not be subject to the minimum acreage requirement established in agricultural zones (Subsection D.2 added by Ord. No. 2751, effective 2-1-87; amended by Ord. No. 2956, effective 4-11-91):

- a. Any conveyance made or required by court decree for intestate or testamentary dispositions of land. (Amended by Ord. No. 3131, effective 10-12-95.)
- b. Any conveyance to the State of California, any city or county, any political subdivision of the State of California, or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
- c. Any conveyance of easements or oil, gas and mineral rights.
- d. If a portion of a parcel of property is separated from the main portion of the property by a river, railroad, improved public road or a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it contains less than the minimum acreage required in the agricultural zone in which the property is located. This paragraph shall not be applicable to property located in the AF, Foothill Agricultural Zone, and RC, Resource Conservation Zone. (Amended by Ord. No. 2956, effective 4-11-91.)
- e. If a person desires to convey a portion of his/her property to the owner of property contiguous to the property to be conveyed, he/she may do so even though the parcel being conveyed contains less than the minimum acreage required in the agricultural zone in which the property is located. However, the parcel being retained shall contain at least the minimum acreage required in the agricultural zone unless the transaction comes within one of the following provisions:
 - (1) The conveyance to the contiguous owner is to convey property on which improvements, including growing improvements, owned by the contiguous

owner have been constructed or planted in error.

- (2) The conveyance to the contiguous owner is to convey property to provide necessary yard areas as required for the zone in which the property is located.
 - (3) If there is a residence or mobilehome on the property to be retained by the person making conveyance, he/she may retain the residence or mobilehome on a parcel at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, and convey the remainder of the property to the contiguous owner. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose.
- f. If a person desires to construct a residence on his/her property for use in compliance with the provisions of the agricultural zone in which the property is located, one (1) parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for the purpose of financing a residence. Once a person has divided one (1) parcel from his/ her property pursuant to this paragraph, he/she may not at any time thereafter cause a second parcel to be divided from the property pursuant to this paragraph. However, if a person who has created one (1) parcel pursuant to this paragraph, conveys all or part of his/her property, his/her successors in interest shall also have the right to create one (1) parcel pursuant to this paragraph if they meet all of the requirements of this paragraph.
- g. A homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located. The creation of a homesite parcel shall comply with all of the following provisions (Amended by Ord. No. 3412, effective 9-12-10.):

- (1) The parcel of record to be divided shall contain the minimum acreage required for the agricultural zone which the property is located except as provided in Subsection 15.D.1 of this Section. The parcel of record to be divided shall have been legally established in accordance with all applicable requirements of the California Subdivision Map Act and County Ordinance Code.
 - (2) The property contains a residence or mobile home which has been legally established in accordance with all applicable building and zoning regulations for a minimum of five (5) years.
 - (3) The minimum homesite parcel size shall be twelve thousand five-hundred (12,500) square feet. The creation of a homesite parcel containing less than one (1) acre net shall require off-site domestic water service and/or off-site sewage disposal service in accordance with all state and local standards.
 - (4) The maximum homesite parcel size shall be determined by the existing homesite use lines, not to exceed twenty (20) percent of the size parcel to be divided, or four (4) acres gross, whichever is less. Features that may be considered as establishing the homesite use lines may include: fences, developed yard areas, vegetation, canals, roads, easements, railroads, etc.
 - (5) No homesite parcel may be created from a parcel of record containing less than 10 acres gross except as provided in Subsection 15.D.1 of this section.
- h. (Creation of Homesite Parcel to retain balance of acreage) - Repealed by Ord. No. 3412, effective 9-12-10.)
- i. The following transactions do not conform to the minimum acreage required in the agricultural zone in which the property is located, but they do have the following special temporary status:
- (1) A person owning two (2) or more contiguous parcels, lots or units shown on a final subdivision

or parcel map recorded in the office of the Tulare County Recorder shall have the right to convey, lease or finance one or more of such parcels, lots or units, and to secure permits to develop any of such parcels, lots or units although the individual parcels, lots or units contain less than the minimum acreage required in the agricultural zone, unless and until the circumstances stated in Subparagraph (4) below occur.

- (2) A person owning two (2) or more contiguous parcels, lots or units shown on a parcel map, when the recordation of a final parcel map has been waived, or two (2) or more contiguous parcels, lots or units in an approved lot split map under the former County Ordinance establishing lot split procedures which did not authorize recordation of a final map, shall also have the rights set forth in Subparagraph (1) above, unless and until the circumstances stated in Subparagraph (4) below occur.
- (3) A person owning property who has filed with the Building and Planning Director a tentative subdivision or parcel map which contains parcels, lots or units of a size that conforms to the existing zoning, but do not conform to the minimum acreage required in the agricultural zone in which the property is located, and said filing is made before the agricultural zone becomes applicable to the property being divided, shall have the right to have said map processed after the agricultural zone becomes effective and shall have the right to convey, lease or finance one or more parcels, lots or units and to secure permits to develop such parcels, lots or units, after the agricultural zoning becomes effective, even though the parcels, lots or units contain less than the minimum acreage required in the agricultural zone, unless and until the circumstances stated in Subparagraph (4) below occur.
- (4) Under Sections 7-01-2710 - 7-01-2735 of the Tulare County Ordinance Code, the Board of Supervisors has the power, after a public hearing, to merge existing parcels, lots or units in

subdivisions, parcel maps and lot splits. If such merger occurs with regard to property described in Subparagraphs (1) through (3) above, all of the contiguous parcels, lots or units under a single ownership shall merge and thereafter no parcels, lots or units may be conveyed, leased or financed until a new subdivision or parcel map has been approved when required by State law or the Tulare County Ordinance Code, and no permits for development may be issued except in conformity with the requirements of the agricultural zone in which the property is located.

- (5) Two (2) or more contiguous parcels, lots or units of the type described in Subparagraphs (1) through (3) above shall not have the special temporary status described in Subparagraphs (1) through (3) above if: (a) the parcels, lots or units lie outside of the Urban Area Boundary as designated by the General Plan; (b) the parcel, lot or unit to be conveyed, leased or financed is less than ten (10) acres or the total property to be retained is less than ten (10) acres or, in the case of AE and A-1 zoning only, the parcel, lot or unit to be conveyed, leased or financed is less than five (5) acres or the total property to be retained is less than five (5) acres; (c) the parcel, lot or unit to be conveyed was created prior to February 3, 1959; and (d) in the case of A-1 zoning only, the parcels, lots, or units to be conveyed lie west of the eastern boundary of the Foothill Region, as delineated in the Foothill Growth Management Plan, said boundary to include the northern boundary of the Three Rivers Planning Area, as delineated in the Three Rivers Community Plan. Therefore, none of such parcels, lots or units may be conveyed, leased or financed under this Paragraph i.

- j. (Division of gift parcels - Repealed by Ord. No. 2858, effective 10-20-88)

**Division
of Land
Exceptions
in AF Zone**

- 3. In addition to the division of land exceptions set forth in Subsection D.2 of this section, the following transactions shall not be subject to the minimum acreage requirement in the AF, Foothill Agricultural Zone, and RC, Resource Conservation Zone: (Subsection D.3 added by Ord. No. 2751, effective 2-1-87;

amended by Ord. No. 2956, effective 4-11-91)

- a. If a portion of a parcel of property is separated from the main portion of the property by a continuously flowing stream, railroad, improved public road or a manmade canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it or the remainder contains less than one-hundred and sixty (160) acres.
- b. If a person desires to convey property containing perennial agricultural crops such as fruit and nut trees and vines, and said crops have continuously existed on the property for at least five (5) years, a parcel of twenty (20) acres or more may be divided for this purpose. However, if that portion of the property containing said perennial agricultural crops is less than twenty (20) acres but greater than five (5) acres, the portion of the property containing said crops may be conveyed as a single unit. There may be more than one division of land pursuant to this paragraph.
- c. If a person owning agricultural land desires to lease a portion of his/her property for agricultural purposes, he/she may do so even though the parcel to be leased, or the remainder, contains less than one-hundred sixty (160) acres. However, the existence of such a lease shall not constitute a basis for approval of a division of land for any other purpose except as provided in this subsection and subsection D.2 of this section. As used in this paragraph, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. There may be more than one division of land pursuant to this paragraph.

**STATE
RESPON-
SIBILITY
AREAS**

E. (Section added by Ord. No. 2982, effective 1-2-92)

**Fire Safe
Standards**

1. All new buildings hereafter erected and any new on-site storage of propane and/or gasoline in all zoning categories within the boundaries of a State Responsibility Area shall be provided with fire safety improvements which are applicable as follows (amended by Ord. No. 3219, effective 3-11-99):

- a. Class "A" fire retardant roofing materials, as established in the Uniform Building Code shall be used.
- b. Attic vent screens of corrosion-resistant wire mesh, with a mesh size of 1/4 inch, shall be provided for all vent openings. Chimney openings shall be equipped with a corrosion-resistant wire mesh screen with a mesh size of 1/2 inch.
- c. At least a thirty (30) foot clearance of flammable vegetation shall be provided and maintained around all buildings and on-site flammable liquids storage tanks (amended by Ord. No. 3219, effective 3-11-99).

Roadway Standards

- 2. Every new building or flammable liquids storage tank hereafter erected or installed within the boundaries of a State Responsibility Area shall be provided with a roadway which meets the following requirements (amended by Ord. No. 3219, effective 3-11-99) :
 - a. Driveways shall provide a minimum 10-foot-wide traffic lane. All driveways shall have a minimum 15-foot unobstructed vertical clearance along the entire length of the driveway and a maximum 16% grade. Driveways exceeding 150 feet in length, but less than 800 feet, shall provide a midpoint turnout. Driveways exceeding 800 feet shall provide turnouts at least every 400 feet. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum of 25 foot taper on each end. Turnaround or a hammerhead "T" shall be provided at all building sites or flammable liquids storage tanks on driveways exceeding 300 feet and shall be located within 50 feet of the building(s) or flammable liquid storage tank(s) (amended by Ord. No. 3219, effective 3-11-99).
 - b. Roads shall provide a minimum 18 foot wide traffic lane.
 - c. Roads providing vehicular access to a single parcel with any industrial or commercial occupancy shall provide a minimum 20 foot traffic lane.
 - d. As a minimum, all roadway surfaces shall be paved in accordance with the minimum road improvement standard providing for an all weather surface and at least a 40,000 pound load tolerance as such standards are established by the Ordinance Code of Tulare County, Part VII, Chapter 1,

Article 5, Section 7080. **Article 13, Section 7-01-2025.** If, due to other County requirements, such roadways would be subject to a higher road improvement standard, the higher road improvement standard shall apply.

**Gate
Entrances**

3. All gate entrances erected on streets, roads or driveways within the boundaries of a State Responsibility Area shall be at least two feet wider than the roadway and shall be set back a minimum of 30 feet from the main roadway.

Greenbelts

4. If a greenbelt or greenbelts are proposed as a part of a development plan, said greenbelts shall be located so as to provide a separation between wildland fuels and structures. The location shall be recommended by the Tulare County Fire Warden and approved by the body taking final action.

**Setback for
Structure
Defensible
Space**

5.
 - a. All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings, accessory buildings and flammable liquid storage tanks from all property lines and/or the center of road. Where there is a difference between setback requirements of this section and any other section of this ordinance or other local, State or Federal regulations, the most restrictive shall apply (amended by Ord. No. 3219, effective 3-11-99).
 - b. For parcels less than 1 acre and for parcels otherwise subject to (a) above, alternative methods where the exception provides the same overall practical effect as these regulations towards providing defensible space may be recommended by the Tulare County Fire Warden and approved by the body taking final action. Such alternative methods may include, but are not limited to, compliance with the standards set forth as outlined in the most current edition of the National Fire Protection Association Pamphlet 80-A and/or provision of an acceptable amount of water storage for fire protection.

**Maintenance
of Defensible
Space**

6. To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for annual maintenance as provided in Title 14 of the California Code of Regulations, Section 1272.00, shall be included in the development plans and shall be provided as a condition of any variance, permit, parcel map or subdivision map approvals.

**Disposal of
Flammable
Vegetation
and Fuels**

7. Disposal of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final inspection under an encroachment permit for road construction or final inspection under a building permit, whichever is later.